

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

1

The Minutes

August 12, 2002

- C040010 THE PEOPLE v. MUNOZ (Not for Publication)**
The judgment is modified by imposing a \$50 laboratory fee under Health and Safety Code section 11372.5, subdivision (a), a \$50 penalty assessment under Penal Code section 1464, subdivision (a), and a \$35 penalty assessment under Government Code section 76000. The trial court shall prepare an amended abstract of judgment showing the modifications and shall forward a certified copy to the Department of Corrections. As modified, the judgment is affirmed.
NICHOLSON, J.
We concur: Blease, Acting P.J.
 Robie, J.
- C039807 MACCA CORPORATION v. DIRECTOR OF THE STATE DEPARTMENT OF HEALTH SERVICES, etc. (Not for Publication)**
The judgment is affirmed.
ROBIE, J.
We concur: Sims, Acting P.J.
 Nicholson, J.
- C040144 In re CHUCK ARLAND McFADDEN (Not for Publication)**
To the extent defendant's petition sought a writ of habeas corpus, the appeal is dismissed. To the extent the petition sought a writ of error coram nobis, the judgment is affirmed.
NICHOLSON, J.
We concur: Scotland, P.J.
 Davis, J.

August 13, 2002

- C033761 THE PEOPLE v. KERNS (Not for Publication)**
The judgment is affirmed.
KOLKEY, J.
We concur: Nicholson, Acting P.J.
 Morrison, J.
- C037459 THE PEOPLE v. FRANKLIN, JR. (Not for Publication)**
The judgment is modified to reflect a restitution fine of \$200 imposed and suspended pursuant to section 1202.45. As modified, the judgment is affirmed. The trial court shall prepare an amended abstract of judgment reflecting the aforementioned modification of the judgment and shall forward a certified copy of the same to the Department of Corrections.
SIMS, Acting P.J.
We concur: Nicholson, J.
 Robie, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

2

The Minutes

August 13, 2002, continued

- C038008 THE PEOPLE v. GRANADO (Not for Publication)**
The judgment of conviction is affirmed.
 BLEASE, Acting P.J.
We concur: Nicholson, J.
 Hull, J.
- C038655 THE PEOPLE v. PORTER (Not for Publication)**
The judgment is affirmed.
 SIMS, Acting P.J.
We concur: Callahan, J.
 Kolkey, J.
- C032494 NEC BUSINESS COMMUNICATION SYSTEMS (WEST), INC. et al. v.
DEPARTMENT OF GENERAL SERVICES et al.
GTE CALIFORNIA INCORPORATED v. DEPARTMENT OF GENERAL
SERVICES and PACIFIC BELL et al. (Not for Publication)**
The judgment is affirmed.
 SIMS, Acting P.J.
I concur: Nicholson, J.
I concur in the judgment and opinion of the majority except for part II...
 Hull, J.
- C037885 PHILLIPS v. PHILLIPS et al. (Not for Publication)**
The judgment is affirmed.
 NICHOLSON, J.
We concur: Sims, Acting P.J.
 Morrison, J.
- C038846 NUNES v. CITY OF FOSTER CITY and NIGHTINGALE
C039520 NUNES V. CITY OF FOSTER CITY (Not for Publication)**
The summary judgment and the order taxing Foster City's costs are reversed.
Appellant Nunes is awarded her costs on appeal. (Cal. Rules of Court, rule 26
(a).) Defendant Nightingale's appeal is dismissed.
 BLEASE, Acting P.J.
We concur: Davis, J.
 Kolkey, J.

3

Sims, Acting P.J.
Nicholson, J.
Morrison, J.

4

Nicholson, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

6

The Minutes

August 16, 2002

- C038832 THE PEOPLE v. MCINTOSH (Not for Publication)**
The finding by the trial court that the allegation of a prior serious felony conviction was true is reversed, and the matter is remanded to the trial court for a retrial of that allegation consistent with the principles contained in this opinion. The sentence is vacated and the trial court is directed to resentence defendant. In all other respects, the judgment is affirmed.
 SIMS, J.
We concur: Scotland, P.J.
 Hull, J.
- C038868 THE PEOPLE v. COOK (Not for Publication)**
The judgment is affirmed.
 NICHOLSON, J.
We concur: Scotland, P.J.
 Hull, J.
- C039595 In re J.M et al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. J.T. (Not for Publication)**
THE COURT:
It is ordered that the opinion filed herein on August 13, 2002, be modified as follows...There is no change in the judgment.
FOR THE COURT:
 Sims, Acting P.J.
 Raye, J.
 Morrison, J.
- C040910 In re C.S. et al.; SHASTA COUNTY DEPARTMENT OF SOCIAL SERVICES v. K.H. (Not for Publication)**
The orders terminating appellant's parental rights are affirmed.
 RAYE, J.
We concur: Nicholson, Acting P.J.
 Hull, J.